



*PLT/\$*  
*Thw*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/413,887 Confirmation No.: 2542  
Inventor : Joel QUAID  
Filed : October 6, 1999  
TC/A.U. : 3738  
Examiner : David J. Isabella  
Title : MAMMARY IMPLANT HAVING SHELL WITH ROUGH TEXTURED OUTER LAYER

Docket No. : 80337-0029  
Customer No. : 41913

**Mail Stop RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE)**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**1. The required submission under 37 C.F.R. § 1.114:**

- a. ☐ Was previously submitted
  - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
  - iii. ☐ Other
- b. ☒ Is enclosed
  - i. ☒ Amendment/Reply
  - ii. ☒ Declaration Under 37 CFR § 1.132
  - iii. ☒ Photos 1-7
  - iv. ☒ CV of Eldon Frisch
  - v. ☐ Information Disclosure Statement (IDS)
  - vi. ☐ Other Form PTO-1449 along with references cited

12/09/2005 SZEWDIE1 00000049 09413887

01 FC:1801 790.00 OP  
02 FC:1253 1020.00 OP

Application No. 09/413,887  
Request for Continuation Examination

2. ☒ **Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. §1.17(a), for the total number of months checked below:**

<u>Total Months Requested</u>	<u>Fee for Extension</u>
<input type="checkbox"/> one month	\$ 120.00 ( 60.00)
<input type="checkbox"/> two month	\$ 450.00 (225.00)
<input checked="" type="checkbox"/> three month	\$1,020.00 (510.00)
<input type="checkbox"/> four month	\$1,590.00 (795.00)

3. **Fee Calculation (37 C.F.R. § 1.16):**

CLAIMS FOR FEE CALCULATION				
	Number as Previously Filed	Number Extra	At Rate of	Fee \$ 790.00
Total Claims (37 C.F.R. §1.16(c))	25 - 25	0	\$50/25 each =	+\$ .00
Independent Claims (37 C.F.R. §1.16(b))	9 - 9	0	\$200/100 each =	+\$ .00
Three- Month Extension of Time Fee				\$ 1,020.00
SUB-TOTAL =				\$ 1,810.00
Reduction by 1/2 for filing by a small entity				-\$ 0.00
TOTAL FILING FEE =				\$ 1,810.00

4. **Miscellaneous:**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1,103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

Application No. 09/413,887  
Request for Continuation Examination

5. **Fees:**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ A check in the amount of \$1,810.00 is enclosed for the RCE and Three-Month Extension of Time fees noted above.

b. ☐ The Commissioner is hereby authorized to charge the following fees, \$ \_\_\_\_\_ fees noted above or credit any overpayments, to Deposit Account No. 50-3024.

i. ☐ RCE fee required under 37 C.F.R. § 1.17(e) in the amount of \$

ii. ☐ Extension of time fee (37 C.F.R. § 1.17(a)) in the amount of \$

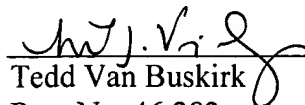
iii. ☐ Other

☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3024. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**HOGAN & HARTSON LLP**

Date: December 8, 2005

  
Tedd Van Buskirk  
Reg. No. 46,282

Ajit J. Vaidya  
Reg. No. 43,214

Hogan & Hartson L.L.P.  
875 Third Avenue  
New York, NY 10022  
Telephone: (212) 918-3000